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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-------------------------|---------------------|------------------|
| 09/746,604 | 12/22/2000 | Geoffrey George Sweeney | 11938/1 | 1011 |
| 26646 | 7590 | 10/06/2006 | EXAMINER | |
| KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004 | | | WILLETT, STEPHAN F | |
| | | ART UNIT | PAPER NUMBER | |
| | | | 2142 | |

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/746,604 | SWEENEY ET AL. |
| | Examiner | Art Unit |
| | Stephan F. Willett | 2142 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 February 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-12,14-24,26-33,35-44 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3, 5-12, 14-24, 26-33, 35-44, 46 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 5-12, 14-24, 26-33, 35-44, 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Proctor with Patent Number 6,530,024.

1. Regarding claim(s) 1, 22, 43, Proctor teaches monitoring[auditing] a set of data[activities of a user] on said at least one system[user], col. 6, lines 11-12. Proctor teaches recording[logging] said event data[gathered data] in a database[log], col. 6, lines 49-50. Proctor teaches interrogating[analyzing] said database to thereby select alert event data[breaches] from said set of event data according to a predefined set of rules[detection policy], col. 6, lines 53-62. Proctor teaches reading said alert data and issuing an appropriate action[security response] due to said generated event, col. 6, lines 66-67, said action issued according to said predefined set of rules, col. 10, lines 54-56. Proctor teaches determining said action response based upon said pre-defined set of rules[“increased audit”, etc.] and based upon a weighting factor[“immoderate steps”] applied to recorded historical outcomes(“security incident”, col. 6, line 66) for monitored events[“data analysis”, col. 6 line 66], col. 7, lines 5-40; col. 12, lines 35-41; col. 16, lines 32-42.

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1. Regarding claim(s) 2, 23, Proctor teaches said action response occurs in real-time[shutting down] as a user interacts with said computing system, col. 7, lines 5-9.
2. Regarding claim(s) 3, 24, 44, Proctor teaches issuing said action response to said at least one computer system to prevent further interaction[logging off] of said user with said computing system, col. 7, lines 5-9.
3. Regarding claim(s) 5, 26, Proctor teaches said set of event data is monitored from the interaction of one or more users interaction with one or more computers on the network, col. 8, lines 45-47.
4. Regarding claim(s) 6, 27, Proctor teaches said monitored set of event data is monitored from a number of sources on said computer network, such as the application program layer, the transport layer, security layer, or operating system, col. 7, lines 48-50.
5. Regarding claim(s) 7, 28, Proctor teaches said application program layer includes enterprise resource planning, col. 1, lines 50-54.
6. Regarding claim(s) 8, 29, Proctor teaches said operating system includes a database application server, col. 8, lines 10-11.
7. Regarding claim(s) 9, 30, Proctor teaches said security layer includes firewalls, col. 8, lines 9-11.
8. Regarding claim(s) 10-11, 31-32, 46, Proctor teaches permitting an authorized user to interactively define said set of rules in step (c) using a GUI[screen], col. 9, lines 40-43.
9. Regarding claim(s) 12, 33, Proctor teaches said GUI is a web browser such as on the Internet, col. 18, lines 1-2.

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10. Regarding claim(s) 14, 35, Proctor teaches one or more agent program are provided on at least on computer of said computer system to thereby monitor said set of event data, col. 6, lines 32-33.

11. Regarding claim(s) 15, 36, Proctor teaches event data is recorded in a relational database[reduced audit records], col. 16, lines 52-58.

12. Regarding claim(s) 16-17, 37-28, Proctor teaches event data is assigned a unique log identifier[fields] in said database to identify the record of each event to correlate events, col. 16, lines 15-18.

13. Regarding claim(s) 18, 39, Proctor teaches a report is generated to report said recorded set of event data, col. 14, lines 62-63; col. 16, lines 57-58.

14. Regarding claim(s) 19, 40, Proctor teaches said appropriate action is a message sent to a network administrator, col. 10, lines 37-38.

15. Regarding claim(s) 20, 41, Proctor teaches said appropriate action is a message sent to an authorized person, col. 14, lines 55-57.

16. Regarding claim(s) 21, 42, Proctor teaches said message is of the type email, col. 10, lines 39-42.

Response to Amendment

2. Based on the new grounds for rejection, the applicants arguments are moot. The limited structure claimed, without more functional language, reads on the references provided, and the new limitations are addressed in the rejection above. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. The other references cited teach numerous other ways to monitor networks for relevant events, thus a close review of them is suggested.
3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
4. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.
18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

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19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

sfw

October 2, 2006



ANDREW CALDWELL
EXAMINER PATENT EXAMINER